

Ellsberg Press 12/30/71  
Conf

Q: Are you in fact guilty of the 18 month conspiracy with Mr. Russo?

A: I'm not aware of having violated any criminal statute, I haven't seen the full indictment in which we're accused. I fully expect to be pleading not guilty on Tuesday to all the counts.

Q: Did you steal the papers?

A: I stole nothing..I did not commit espionage as indicated by the espionage act that I'm under. I have violated no law to the best of my knowledge..and certainly have in no way intended to harm my country as is a factor under the espionage act of any crime.

Q: But you distributed the papers...

CEG: I suggest that he cannot answer specific questions *of that nature*.

Q: What do you think the basis of the Justice Department's charges are?

A: I'm very disturbed by this indictment because it's just one more acting out by the government in full view of the public of its commitment to untruth that has characterized the war. I'm much more disturbed by their commitment to violence that they've been acting out this Christmas season in Indochina. The Christmas present implied to me here is nothing compared to the Christmas present the President made to the families of the flyers he sent over to bomb Indochina and who are now in foreign prisons or foreign graves. Whatever happens to me as a result of trying to end that war and bringing those prisoners home by telling truth to the American public would be a very cheap price for me to pay in comparison

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Q: Looking back now do you feel that releasing the papers as you allegedly did ~~in the way they wanted~~, do you think that had the kind of impact you thought it would have.

A: Apparently the Administration takes it quite seriously as resistance to their policy of continuing this illegal war. To that extent I'll take this as their judgment that it seriously obstructs their conduct of the war. I think it makes it harder for them to lie but obviously not impossible. They lied to the public not only about the continuation of these strikes..that is the import of them but in this very indictment..I'm sorry I don't have the indictment but in the AP account of the indictment again false charges are being made.

Q: Do you think the antiwar movement in this country is being helped by your action in allegedly disclosing the Pentagon Papers

A: I'd measure the antiwar movement by the 73% of the public in the last count that wanted us out of Indochina by December 31. The President will not have removed either our troops and certainly not our bombing by December 31 and he has not served that American public. I think that any truth that shows him the pattern of lies and illegal violence this government has been purging will spur people into making their democratic wishes felt..

Q: Do you think there is a group of people or any person who has set out to get you so to speak?

A: Well the name of Mr. Mitchell is in the AP dispatch here but of course he is only doing his job for his boss and his boss is the President. The President is doing his job as he

sees it and that is bombing Indochina. I'm doing my job as a citizen, trying to stop it.

Q: A new name now is brought forth by the Justice Department  
*Vu VAN THAI*,  
is the former Ambassador (name). Was he involved in any way in ~~any~~ relation with you (I see the lawyer is touching your hand).

Boudin: I don't think <sup>a</sup> question of this kind relating to the facts set forth in the indictment is a proper question at this point.

Ellsberg: We don't have the indictment here and we will be responding Tuesday in LA but one of the people mentioned out of the country is a co-conspirator and not indicted so he doesn't have a chance to use the defense process to defend himself so I think that it is not premature to say at this moment *Vu VAN THAI* the allegations about (name) that I read in the AP dispatch are flatly, totally untrue.

Q: Are your feelings changing toward the entire matter?

A: I can't regret having done what I knew at the time to be ~~the right thing~~ what I ought to do..my duty as a citizen. I have no way I can regret that.

Q: At a recent press conference you said that you were willing to accept any responsibility or anything that came to you because of the Pentagon Papers. The latest indictment says 115 year prison ~~maximum~~ term and \$210,000 fine for maximum. Are your thoughts still the same that you're willing to accept any consequences.

A: I have two thoughts about that. I go back to my earlier answer..How can you measure the jeopardy that I'm in, whether it's 10 years, 20 years, 115 years ..rather ludicrous amounts

like that to the penalty that has been paid already by 50,000 American families here and hundreds of thousands of Vietnamese families. It would be absolutely presumptuous of me to pity myself in that context and I certainly don't. I'd be ashamed of myself if I did.

Q: Have you seen at least some reward the slackening off of the classification system in Washington.

A: One thing that pleased me was the resistance at last of the press some members to the institution of backgrounders which has been an instrument of manipulation of the press and I think a very healthy sign that the press has decided that they have to take action to challenge that and to confront it.

Q: What about the way the Justice Department has used the Grand Jury on the West Coast?

A: I thought they were using the Grand Jury as a tool of investigation which would be illegal of course. It appears from this account of the indictment that they are using it as a tool of deception of the American public. Let me be clear on that and without going into the indictment too much and I wont speak for Tony Russo beyond what he has already said publicly. The government rejected a judicial order by Judge Ferguson in LA to provide Anthony Russo with a transcript of his Grand Jury testimony if he were called to testify that he could release to the American public. They rejected that order. Instead they've chosen to indict him rather than to call him before the Grand Jury and to give

the Grand Jury and give the Grand Jury the facts that would show these allegations to be false. I think that nothing demonstrates this government's commitment to secrecy in front of the American people... commitment to deception rather than to justice <sup>more</sup> than the fact that rather than let the Grand Jury hear that, they prefer to indict Mr. Russo.

Q: Toward what aim to you see this deception?

A: ZZZZZZZZZZZZZZ Rather than let the Grand Jury hear the facts of this case the facts that would have shown the allegations in this dispatch to be false under the conditions ordered by Federal Judge Ferguson in LA which would have meant giving Mr. Russo a transcript to release to the American public, the government has chosen not to call Mr. Russo and let the Grand Jury hear his testimony. Instead they have chosen to indict him on the basis of charges that are certainly false and which they may know to be false rather than let the Grand Jury hear the truth. I call that a deceptive use of the Grand Jury to mislead the American public into making them think these false charges are true and generally build up the drama of the case and make it appear we have an international conspiracy, which is not the case.

Q: What is the basis for your statement that they may know he is not guilty.

A: They have heard testimony before that Grand Jury I think sufficient to give them a pretty good idea already as to what Mr. Russo would testify to. He's said a lot of it already in public and I'm sure he'll be saying more. I won't say it for him.

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They know enough already to know that this is probably untrue but perhaps not. What is clear is they have chosen not to let the Grand Jury hear his testimony before bringing this indictment.

Q: How have your private lives changed since - Sunday Times Magazine article.

Pat: My husband is profoundly committed to doing everything he can to end this war and if in the course of this people choose to make him seem in a mode he isn't that's something you have to live with. I do know that our lives are very similar..they're busier..but Dan was resisting this war last year..he was talking and teaching and talking to everybody who would listen about the immorality and wrongness of this war. He's doing it now.

Ellsberg: I dont think this is the occasion to give further publicity to a very frivolous article.

Q: What is your reaction to the increased bombing and do you feel that your efforts after all these years are futile? Do you think increasingly radical actions are appropriate?

A: The bombings this Christmas season started on the anniversary the 25th anniversary day of the start of the Indochina War. Dec. 19, 1946 was the beginning. December 19 was the day we started to have flyers lost over Vietnam in this bombing. It's been going on for 25 years and the Pentagon Papers don't tell me that I should presume to be able, I or even the 73% of the American people together can count on bringing it to an end in one year against a determined executive. We've just got

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to keep at it.

Q: Is your vision of what is necessary changing in any sense?

A: All I can see to change it is truth and commitment. I think the people have the desire to end it, more and more people have to act in a committed way and I think truth will encourage them to do that.

Q: A great many people disagree with what you did with the Pentagon Papers. What would you say to them to justify what you did?

A: I wonder if they are following what's going on this Christmas. Before this bombing started we were bombing at the rate of 50,000 tons a month in Indochina. That's the rate of WWII, twice the rate of Korea. My justification, if any is needed, is that I don't think we should bomb another 1/2 million tons of bombs in Indochina before we can elect a President..I think the people of this country should have their President stop this war now.

Q: Now that you have been indicted with another man, do you think that changes the circumstances of this case?

A: The facts of the case are what they have been all along. I believe the testimony and public statements are enough that the government knows pretty well what the facts are. The public certainly will know, if now, before we're through and nothing has changed.

Q: What's the next legal step..you said something about Tuesday.

A: Tuesday..answering hearings on motions in LA on the first indictment

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which is included in this new one so all the motions are still relevant and there will also be an arraignment apparently on that same day.

Q: Do you have any idea why or perhaps Mr. Goodell would know why the indictment should be released to the press before you were notified about the indictment being handed up?

CEG: I don't think there is anything particularly insidious about the process of releasing the indictment . It frequently happens. It's a matter of physically conveying the indictment to him and to his attorneys and we expect to get it expeditiously.

Q: Wouldn't it have been more courteous to notify you first? Ellsberg; Discussing courtesy and this Administration this Christmas season is almost obscene.

Q: In this political year with the war one of the issues ....

A: The President says it will not be one of the issues. I certainly feel it must be as long as he continues what he is doing, as long as he continues the bombing and that's what our job is.

Q: Knowing what you know now would you proceed along the same course if you had to do it over again?

A: Oh no, I would have released the papers two invasions earlier.